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Appl. No. 09/926,167
Petition for Amendment After Allowance
January 31, 2005

Remarks:

(a) Why is the amendment needed?

By the present amendment, claim 73 has been amended to correct a typographical error. In particular, Claim 73 has been amended to specify that the conditions are carbonmonoxy and the P50 is 16mmHg.

Support for this amendment can be obtained from the previous claim 73 submitted with our response of May 12, 2004. The Examiner added the "deoxy" limitation to the claim, but for a P50 of 16 mm Hg, it should be "carbonmonoxy" conditions" as stated in Example 8, page 25-26 of the description:

"The P50 of the starting polyOR-Hb, the conjugate prepared in this example and the conjugate prepared in Example 6 were found to be 41, 40 and 16 mm Hg respectively, ..."

As such, the P50 of 41 and 40 were obtained from formation of the conjugate under deoxy conditions, but the P50 of 16 was obtained from a conjugate prepared in accordance with Example 6, which was under carbonmonoxy conditions. (See Example 6, page 23, lines 24-25).

(b) Why does the proposed amendment require no additional search or examination?

Such an amendment does not require a new search or examination because the Examiner fully searched and addressed this issue during prosecution.

(c) Why are the claims patentable?

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Amended claim 73 is patentable. It depends from independent claim 64 which the Examiner has deemed patentable. Claim 73 recites a specific embodiment of claim 64. This embodiment was addressed in the office action of May 2004.

(d) Why the amendment was not presented earlier?

After the present application was allowed, Applicant reviewed the claims and noticed the error in claim 73 as present in the Examiner's amendment attached to the Notice of Allowability.

Favourable action on this application is respectfully requested.

If any fees are required, please charge the fees to our Deposit Account No. 02-2095. This letter is enclosed in duplicate.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the undersigned at (416) 957-1682.

Respectfully submitted,

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Encl.